

REMARKS

Claims 1-10 are pending in this application. Claims 1, 4, 6, 8, and 10 stand rejected and claims 2, 3, 5, 7, and 9 are objected to. By this Amendment, claim 1 has been amended to correct for a typographical error. The amendment made to claim 1 does not alter the scope of this claim, nor has this amendment been made to define over the prior art. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Applicant wishes to thank the Examiner for the indication of allowable subject matter in claims 2, 4, 6, and 8. Applicant defers rewriting these claims in independent form until final resolution of the independent claims in this case is reached.

Paragraph 2 of the Office Action objects to a typographical error in claim 1. Applicant has amended claim 1 to correct for this typographical error. As such, Applicant respectfully requests that the Examiner withdraw the objection to claim 1.

Paragraph 4 of the Office Action rejects claims 1, 4, 6, 8, and 10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,628,530 (“Beek”). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir.

1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of independent claims 1 and 10 not present in the cited reference is a processor for generating a difference by comparing in real time a direct output signal from the microphone with an output signal from the sound source with reference to a frequency characteristic and an echo characteristic of the sound regenerated from the loud speaker or a reverberation characteristic of the sound including a delay time for the echo characteristic or the reverberation characteristic. This specific processor is not disclosed in Beek.

Initially, it should be noted that the claim explicitly recites comparing in real time, a direct output from the microphone. In Beek, a direct output of the microphone is not used for the comparison. The output from the microphone is passed through an AGC circuit 24 which varies the signal prior to its further processing.

Further, Beek is silent to an echo characteristic of the sound regenerated from the loudspeaker, reverberation characteristics of the sound, or echo characteristic of the reverberation all of which are explicitly recited in the claim. Beek is silent as to the desirable effect of echo suppression which, is the ultimate result of Applicant's claimed system.

In Beek, one of the signals is delayed relative to the other and the length of the signals is limited by means of a time window. Thus, the express limitations of Applicant's independent claims 1 and 10 are not met by the Beek reference.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: December 22, 2004

Respectfully submitted,

By _____
Ian R. Blum

Registration No.: 42,336
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
1177 Avenue of the Americas
New York, New York 10036-2714
(212) 835-1400
Attorney for Applicant

IRB/mgs